

PART 70 OPERATING PERMIT OFFICE OF AIR QUALITY

**Joseph E. Seagram & Sons, Inc.
Highway 350 West
Milan, Indiana 47031**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

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| Operation Permit No.: T 137-6928-00011 | |
| Issued by: Original signed by Janet McCabe Janet G. McCabe, Assistant Commissioner Office of Air Quality | Issuance Date: December 23, 2002 Expiration Date: December 23, 2007 |

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SECTION A

SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)][326 IAC 2-7-1(22)]

The Permittee owns and operates a stationary warehouse for whiskey aging.

| | |
|------------------------------|--|
| Responsible Official: | Dan Gibb |
| Source Address: | Highway 350 West, Milan, Indiana 47031 |
| Mailing Address: | 7 Ridge Ave, Lawrenceburg, IN 47025 |
| General Source Phone Number: | 812-537-0700 |
| SIC Code: | 2085 |
| County Location: | Ripley |
| County Status: | Attainment for all criteria pollutants |
| Source Status: | Part 70 Permit Program Major Source, under PSD; Minor Source, Section 112 of the Clean Air Act |

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

This stationary source consists of the following emission units and pollution control devices:

Ten (10) single story storage buildings, installed in the 1960's, each building exhausted through 288 vents, capacity: 498,784 barrels of whiskey, total.

A.3 Specifically Regulated Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

This stationary source does not currently have any insignificant activities, as defined in 326 IAC 2-7-1 (21) that have applicable requirements.

A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary or source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22).
- (b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

SECTION B

GENERAL CONDITIONS

B.1 Definitions [326 IAC 2-7-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, any applicable definitions found in IC 13-11, 326 IAC 1-2 and 326 IAC 2-7 shall prevail.

B.2 Permit Term [326 IAC 2-7-5(2)] [326 IAC 2-1.1-9.5]

This permit is issued for a fixed term of five (5) years from the original date, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date.

B.3 Enforceability [326 IAC 2-7-7(a)]

Unless otherwise stated, terms and conditions of this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and citizens under the Clean Air Act.

B.4 Termination of Right to Operate [326 IAC 2-7-10] [326 IAC 2-7-4(a)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).

B.5 Severability [326 IAC 2-7-5(5)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.6 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

B.7 Duty to Supplement and Provide Information [326 IAC 2-7-4(b)][326 IAC 2-7-5(6)(E)][326 IAC 2-7-6(6)]

(a) The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

(b) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit or, for information claimed to be confidential, the Permittee may furnish such records directly to the U. S. EPA along with a claim of confidentiality. [326 IAC 2-7-5(6)(E)]

- (c) The Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.8 Compliance with Permit Conditions [326 IAC 2-7-5(6)(A)] [326 IAC 2-7-5(6)(B)]

- (a) The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit, is grounds for:
 - (1) Enforcement action;
 - (2) Permit termination, revocation and reissuance, or modification; or
 - (3) Denial of a permit renewal application.
- (b) Noncompliance with any provisions of this permit, except any provision specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act.
- (c) It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (d) An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in SectionB, Emergency Provisions.

B.9 Certification [326 IAC 2-7-4(f)] [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)(C)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification.
- (c) A responsible official is defined at 326 IAC 2-7-1(34).

B.10 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than July 1 of each year to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
 - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and
 - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ, may require to determine the compliance status of the source.

The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

B.11 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)]
[326 IAC 1-6-3]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each facility:
 - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If due to circumstances beyond the Permittee's control, the PMP cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

The Permittee shall implement the PMPs as necessary to ensure that failure to implement a PMP does not cause or contribute to a violation of any limitation on emissions or potential to emit.

- (b) The Permittee shall implement the PMPs as necessary to ensure that failure to implement a PMP does not cause or contribute to a violation of any limitation on emissions or potential to emit.
- (c) A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or contributes to any violation. The PMP does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (d) Records of preventive maintenance shall be retained for a period of at least five (5) years. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

B.12 Emergency Provisions [326 IAC 2-7-16]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:
 - (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
 - (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section), or
Telephone Number: 317-233-5674 (ask for Compliance Section)
Facsimile Number: 317-233-5967
 - (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) IDEM, OAQ, may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4-(c)(10) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ, by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.
- (g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.

B.13 Permit Shield [326 IAC 2-7-15] [326 IAC 2-7-20] [326 IAC 2-7-12]

- (a) Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.

This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to reflect such new requirements.

- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.
- (c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.
- (d) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
 - (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
 - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
 - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
 - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (e) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (f) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAQ, has issued the modifications. [326 IAC 2-7-12(c)(7)]
- (g) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ, has issued the modification. [326 IAC 2-7-12(b)(7)]

B.14 Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of previous permits issued pursuant to permitting programs approved into the state implementation plan have been either
 - (1) incorporated as originally stated,
 - (2) revised, or
 - (3) deletedby this permit.

- (b) All previous registrations and permits are superseded by this permit.

B.15 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.

The Quarterly Deviation and Compliance Monitoring Report does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.
- (c) Emergencies shall be included in the Quarterly Deviation and Compliance Monitoring Report.

B.16 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-7-5(6)(C)] [326 IAC 2-7-8(a)] [326 IAC 2-7-9]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)]. The notification by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ, determines any of the following:
- (1) That this permit contains a material mistake.
 - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
 - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]
- (c) Proceedings by IDEM, OAQ, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ, at least thirty (30)

days in advance of the date this permit is to be reopened, except that IDEM, OAQ, may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

B.17 Permit Renewal [326 IAC 2-7-4]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

- (b) Timely Submittal of Permit Renewal [326 IAC 2-7-4(a)(1)(D)]

- (1) A timely renewal application is one that is:

- (A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
- (B) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

- (2) If IDEM, OAQ, upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.

- (c) Right to Operate After Application for Renewal [326 IAC 2-7-3]

If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ, takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ, any additional information identified as being needed to process the application.

- (d) United States Environmental Protection Agency Authority [326 IAC 2-7-8(e)]

If IDEM, OAQ, fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the Clean Air Act to terminate or revoke and reissue a Part 70 permit.

B.18 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

- (a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.

- (b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

Any such application shall be certified by the "responsible official" as defined by 326 IAC 2-7-1(34) only if a certification is required by the terms of the applicable rule.

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.19 Permit Revision Under Economic Incentives and Other Programs [326 IAC 2-7-5(8)]
[326 IAC 2-7-12(b)(2)]

- (a) No Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.
- (b) Notwithstanding 326 IAC 2-7-12(b)(1)(D)(i) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

B.20 Operational Flexibility [326 IAC 2-7-20] [326 IAC 2-7-10.5]

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b), (c), or (e), without a prior permit revision, if each of the following conditions is met:

- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
- (2) Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;
- (3) The changes do not result in emissions which exceed the emissions allowable under this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
- (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance copy of this permit; and

- (5) The Permittee maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to 326 IAC 2-7-20 (b), (c), or (e) and makes such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ, in the notices specified in 326 IAC 2-7-20(b), (c)(1), and (e)(2).

- (b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:

- (1) A brief description of the change within the source;
- (2) The date on which the change will occur;
- (3) Any change in emissions; and
- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) Emission Trades [326 IAC 2-7-20(c)]
The Permittee may trade increases and decreases in emissions in the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, or U.S. EPA is required.

B.21 Source Modification Requirement [326 IAC 2-7-10.5]

A modification, construction, or reconstruction is governed by 326 IAC 2 and 326 IAC 2-7-10.5.

B.22 Inspection and Entry [326 IAC 2-7-6(2)]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) Utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements. [326 IAC 2-7-6(6)]

B.23 Transfer of Ownership or Operational Control [326 IAC 2-7-11]

- (a) The Permittee must comply with the requirements of 326 IAC 2-7-11 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The application which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.24 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)]

- (a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ, the applicable fee is due April 1 of each year.
- (b) Except as provided in 326 IAC 2-7-19(e), failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-0425 (ask for OAQ, Technical Support and Modeling Section), to determine the appropriate permit fee.

SECTION C

SOURCE OPERATION CONDITIONS

| |
|---------------|
| Entire Source |
|---------------|

Emission Limitations and Standards [326 IAC 2-7-5(1)]

- C.1 **Particulate Matter Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) pounds per hour [326 IAC 6-3-2(c)]**
Pursuant to 326 IAC 6-3-2(c), the allowable particulate matter emissions rate from any process not already regulated by 326 IAC 6-1 or any New Source Performance Standard, and which has a maximum process weight rate less than one hundred (100) pounds per hour shall not exceed 0.551 pounds per hour.
- C.2 **Opacity [326 IAC 5-1]**
Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:
- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
 - (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.
- C.3 **Open Burning [326 IAC 4-1] [IC 13-17-9]**
The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1. 326 IAC 4-1-3 (a)(2)(A) and (B) are not federally enforceable.
- C.4 **Incineration [326 IAC 4-2] [326 IAC 9-1-2]**
The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and 326 IAC 9-1-2. 326 IAC 9-1-2 is not federally enforceable.
- C.5 **Fugitive Dust Emissions [326 IAC 6-4]**
The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.
- C.6 **Operation of Equipment [326 IAC 2-7-6(6)]**
Except as otherwise provided in this permit, all air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission units vented to the control equipment are in operation.
- C.7 **Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61.140]**
- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos

is present.

- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
 - (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
 - (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-4, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited, pursuant to the provisions of 40 CFR 61, Subpart M, is federally enforceable.

Testing Requirements [326 IAC 2-7-6(1)]

C.8 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the source submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.9 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-7-5(1)] [326 IAC 2-7-6(1)]

C.10 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a source modification shall be implemented when operation begins.

C.11 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63, or other approved methods as specified in this permit.

Corrective Actions and Response Steps [326 IAC 2-7-5] [326 IAC 2-7-6]

C.12 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]

Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

(a) The Permittee shall prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.

(b) These ERPs shall be submitted for approval to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

within ninety (90) days after the date of issuance of this permit.

The ERP does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

(c) If the ERP is disapproved by IDEM, OAQ, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.

(d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.

(e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.

(f) Upon direct notification by IDEM, OAQ, that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

C.13 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68.215]

If a regulated substance, subject to 40 CFR 68, is present at a source in more than a threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall submit:

(a) A compliance schedule for meeting the requirements of 40 CFR 68; or

- (b) As a part of the annual compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and

All documents submitted pursuant to this condition shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

C.14 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5] [326 IAC 2-7-6]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these corrective response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the corrective response actions are being implemented.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The documents submitted pursuant to this condition do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

C.15 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6]

- (a) The Permittee shall submit an annual emission statement certified pursuant to the requirements of 326 IAC 2-6, that must be received by July 1 of each year and must comply with the minimum requirements specified in 326 IAC 2-6-4. The annual emission statement shall meet the following requirements:
- (1) Indicate estimated actual emissions of criteria pollutants from the source, in compliance with 326 IAC 2-6 (Emission Reporting);
- (2) Indicate estimated actual emissions of other regulated pollutants (as defined by 326 IAC 2-7-1) from the source, for purposes of Part 70 fee assessment.
- (b) The annual emission statement covers the twelve (12) consecutive month time period starting January 1 and ending December 31. The annual emission statement must be submitted to:

Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

The emission statement does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The annual emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

C.16 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]

- (a) Records of all required data, reports and support information shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.17 General Reporting Requirements [326 IAC 2-7-5(3)(C)] [326 IAC 2-1.1-11]

- (a) The source shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015
- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (e) The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period. Reporting periods are based on calendar years.

Stratospheric Ozone Protection

C.18 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- (b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION D.1

FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-7-5(15)] - Storage Warehouses

Ten (10) single story storage buildings, installed in the 1960's, each building exhausted through 288 vents, capacity: 498,784 barrels of whiskey, total.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.

Emission Limitations and Standards [326 IAC 2-7-5(1)]

D.1.1 PSD [326 IAC 2-2] [40 CFR 52.21]

All major modifications to this existing major PSD source shall be subject to the PSD Significant Levels and obtain prior approval from IDEM OAQ.

Compliance Determination Requirements

There are no compliance determination requirements for these emission units.

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

D.1.2 Record Keeping Requirements [326 IAC 2-6]

- (a) The Permittee shall maintain records in accordance with (1) and (2) below. Records maintained for (1) and (2) shall be taken monthly and shall be complete and sufficient to comply with all emission reporting requirements:
 - (1) The number of barrels in storage and
 - (2) The material(s) being stored in each barrel.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY**

**PART 70 OPERATING PERMIT
CERTIFICATION**

Source Name: Joseph E. Seagram & Sons, Inc.
Source Address: Highway 350 West, Milan, Indiana 47031
Mailing Address: 7 Ridge Ave, Lawrenceburg, Indiana 47025
Part 70 Permit No.: T 137-6928-00011

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

- 9 Annual Compliance Certification Letter
- 9 Test Result (specify) _____
- 9 Report (specify) _____
- 9 Notification (specify) _____
- 9 Other (specify) _____

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH
P.O. Box 6015
100 North Senate Avenue
Indianapolis, Indiana 46206-6015
Phone: 317-233-5674
Fax: 317-233-5967**

**PART 70 OPERATING PERMIT
EMERGENCY/DEVIATION OCCURRENCE REPORT**

Source Name: Joseph E. Seagram & Sons, Inc.
Source Address: Highway 350 West, Milan, Indiana 47031
Mailing Address: 7 Ridge Ave, Lawrenceburg, Indiana 47025
Part 70 Permit No.: T 137-6928-00011

This form consists of 2 pages

Page 1 of 2

| | |
|----------------------------|---|
| Check either No. 1 or No.2 | |
| 9 | 1. This is an emergency as defined in 326 IAC 2-7-1(12) C The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-5674, ask for Compliance Section); and C The Permittee must submit notice in writing or by facsimile within two (2) days (Facsimile Number: 317-233-5967), and follow the other requirements of 326 IAC 2-7-16 |
| 9 | 2. This is a deviation, reportable per 326 IAC 2-7-5(3)(C) C The Permittee must submit notice in writing within ten (10) calendar days |

If any of the following are not applicable, mark N/A

| |
|---|
| Facility/Equipment/Operation: |
| Control Equipment: |
| Permit Condition or Operation Limitation in Permit: |
| Description of the Emergency/Deviation: |
| Describe the cause of the Emergency/Deviation: |

If any of the following are not applicable, mark N/A

Page 2 of 2

| |
|---|
| Date/Time Emergency/Deviation started: |
| Date/Time Emergency/Deviation was corrected: |
| Was the facility being properly operated at the time of the emergency/deviation? Y N Describe: |
| Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other: |
| Estimated amount of pollutant(s) emitted during emergency/deviation: |
| Describe the steps taken to mitigate the problem: |
| Describe the corrective actions/response steps taken: |
| Describe the measures taken to minimize emissions: |
| If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value: |

Form Completed by: _____

Title / Position: _____

Date: _____

Phone: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION**

**PART 70 OPERATING PERMIT
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Joseph E. Seagram & Sons, Inc.
Source Address: Highway 350 West, Milan, Indiana 47031
Mailing Address: 7 Ridge Ave, Lawrenceburg, Indiana 47025
Part 70 Permit No.: T 137-6928-00011

Months: _____ to _____ Year: _____

Page 1 of 2

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

9 NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.

9 THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD

Permit Requirement (specify permit condition #)

Date of Deviation:

Duration of Deviation:

Number of Deviations:

Probable Cause of Deviation:

Response Steps Taken:

Permit Requirement (specify permit condition #)

Date of Deviation:

Duration of Deviation:

Number of Deviations:

Probable Cause of Deviation:

Response Steps Taken:

| | |
|--|-------------------------------|
| Permit Requirement (specify permit condition #) | |
| Date of Deviation: | Duration of Deviation: |
| Number of Deviations: | |
| Probable Cause of Deviation: | |
| Response Steps Taken: | |

| | |
|--|-------------------------------|
| Permit Requirement (specify permit condition #) | |
| Date of Deviation: | Duration of Deviation: |
| Number of Deviations: | |
| Probable Cause of Deviation: | |
| Response Steps Taken: | |

| | |
|--|-------------------------------|
| Permit Requirement (specify permit condition #) | |
| Date of Deviation: | Duration of Deviation: |
| Number of Deviations: | |
| Probable Cause of Deviation: | |
| Response Steps Taken: | |

9 No deviation occurred in this month.

9 Deviation/s occurred in this month.

Deviation has been reported on: _____

Submitted by: _____

Title/Position: _____

Signature: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

Indiana Department of Environmental Management Office of Air Quality

Addendum to the Technical Support Document for a Part 70 Operating Permit

| | |
|------------------------------|---|
| Source Name: | Joseph E. Seagram & Sons, Inc. |
| Source Location: | Highway 350 West, Milan, Indiana 47031 |
| County: | Ripley |
| SIC Code: | 2085 |
| Operation Permit No.: | T 137-6928-00011 |
| Permit Reviewer: | Paula M. Cognitore/Frank P. Castelli |

On August 10, 1999, the Office of Air Quality (OAQ) had a notice published in the Osgood Journal/Versailles Republican, Versailles, Indiana, stating that Joseph E. Seagram & Sons, Inc. had applied for a Part 70 Operating Permit to operate a storage warehouse for whiskey aging. The notice also stated that OAQ proposed to issue a Part 70 Operating Permit for this operation and provided information on how the public could review the proposed Part 70 Operating Permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this Part 70 Operating Permit should be issued as proposed.

On September 8, 1999, Anthony C. Sullivan of Joseph E. Seagram & Sons, Inc., submitted comments on the proposed Part 70 Operating Permit. The comments are as follows: If appropriate, the permit language is changed to read as follows (deleted language appears as ~~strikeouts~~, new language is **bolded**):

Comment 1:

Seagram's primary comment is that no Title V permit should be required for these warehouses because the only substantial emissions from the warehouses are emissions from the aging process emissions which are fugitive. Since Part 70 permits are only required for "major sources" and fugitive emissions are not counted in determining whether a source is "major," no permit should be required for these warehouses.

The applicable regulations only require sources to obtain Part 70 permits if they satisfy the definition of "major source." See 326 IAC 2-7-2. To determine whether the Seagram warehouses constitute a "major source," the regulatory agency cannot consider fugitive emissions. The rules define the term "major source" to exclude fugitive emissions as follows: "The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302((Janco);) of the CAA, unless the source belongs to one of the following categories of stationary sources . . ." 326 IAC 2-7-1(22)(B). Seagram does not fall within one of the twenty-seven listed categories, and therefore fugitive emissions cannot be counted to determine whether the warehouses constitute a "major source."

The only substantial emissions from the warehouses result from the aging of whiskey. The Seagram warehouses contain whiskey stored in wooden barrels. The barrels are stored on racks for a number of years to allow the whiskey to age. The emissions from the aging process consist solely of water and ethanol as the liquid slowly soaks through the barrels. Ethanol is a nonhazardous volatile organic compound, which is emitted at an average rate of 6.9 pounds per barrel per year. (The current version of AP-42 estimates emissions from the aging of whiskey barrels to be approximately 6.9 pounds per barrel per year.)

The ethanol seeps out of the buildings through hundreds of small openings at or near ground level. The roof of each warehouse is closed which prevents any emissions from escaping through the ceiling. The emissions are not forced out of the building. Instead, the building "breathes," with out-

side air coming in during certain meteorological conditions, and warehouse air going out under other conditions.

The aging of whiskey is an art which requires certain levels of ethanol to be in the warehouse air to enhance the whiskey's flavor. The warehouse could not be equipped with a forced evacuation system because that would destroy the product flavor.

These emissions constitute fugitive emissions because they cannot be collected and forcefully emitted through a point. The regulations define "fugitive emissions" to include: "emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening." 326 IAC 2-7-1(18). The warehouse emissions cannot reasonably be forced through a stack, chimney, vent, or similar point source. Such an effort would require the building to be sealed and would require the installation of fans and exhaust. Such activities would affect product quality, and could result in safety concerns with explosion potential.

The determination that these emissions are fugitive is consistent with guidance from the United States Environmental Protection Agency ("EPA"). In its most recent guidance, EPA has indicated that to determine whether emissions are fugitive or not, one should consider whether there are national standards for collection of the emissions within the industry group, and whether the costs for such collection would be unreasonable. See Memorandum entitled *Interpretation of the Definition of Fugitive Emissions in Parts 70 and 71*, from Thomas C. Curran, Director, Information Transfer and Program Integration Division to Judith M. Katz, Director, Air Protection Division, Region III, dated February 10, 1999. Seagram knows of no other whiskey warehouses that collect emissions and funnel them through a stack. In addition, the cost of collection would clearly be unreasonable because it would adversely affect the product.

Further, other regulatory authorities have agreed that these emissions are fugitive. Specifically, both Region IV and the State of Kentucky have determined that such emissions are fugitive. See December 8, 1993 letter from John E. Hornback, Director, Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department of Environmental Protection, Division of Air Quality, to Laura D. Keller of Stites & Harbison; June 27, 1994 letter from John E. Hornback to H. Edward O'Daniel, Jr., President, Kentucky Distillers Association; and August 19, 1994 letter from Jewell A. Harper, Chief, Air Enforcement Branch, Air, Pesticides and Toxics Management Division, EPA Region IV, to John W. Walton, Director, Division of Air Pollution Control, Tennessee Department of Environment & Conservation (Attachments A1 through A3); all determining that such emissions are fugitive.

Accordingly, no permit should be required because these warehouses do not constitute a "major source." It is a substantial burden on Seagram to be subject to a twenty-nine page permit and the associated requirements, especially when it is not required. Accordingly, Seagram requests that your office withdraw the permit and, following EPA Region IV and Kentucky's lead, determine that no permit is required because these evaporative emissions are fugitive.

If a permit is required, however, Seagram has various comments on particular provisions contained in the draft permit. These comments are set out in Attachment B and are incorporated into this letter by reference.

Response 1:

IDEM and US EPA Region V have determined that the VOC emissions from the whiskey aging process are not fugitive. The definition of fugitive emissions are those which can not reasonably be contained. Since the emissions are already contained by a warehouse, they are by definition not fugitive. Containment is not an issue of whether the emissions can be reasonably controlled. The

argument that the costs of control would be prohibitive and that controlling the emissions would adversely affect the natural whiskey aging process is not an issue because IDEM is not making a determination of whether controlling the emissions is reasonable. Therefore, this source is subject to the Part 70 Operating Permit Program.

Comment 2:

Condition A.1. IDEM should change the Responsible Official *Ralph B. Spresher* to Dan Gibb.

Response 2:

Condition A.1 has been revised as follows:

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

The Permittee owns and operates a storage warehouse for whiskey aging.

Responsible Official: ~~Ralph B. Sprecher~~ **Dan Gibb**

Comment 3:

Condition A.5. IDEM should add a Condition A.5 to reflect that this permit supersedes all prior permits. IDEM should add the following condition:

A.5 Prior Permit Conditions Superseded [326 IAC 2]

The terms and conditions of this permit incorporate all the current applicable requirements for all emission units located at this source, and supersede all terms and conditions in all registrations and permits, including construction permits, issued prior to the date of issuance of this permit. All terms and conditions in such registrations and permits are hereby replaced and are no longer in effect.

This condition would be consistent with the purposes of Title V.

Response 3:

Condition B.14 Prior Permits Superseded was added to the proposed permit to implement the intent of the new rule 326 IAC 2-1.1-9.5 as follows:

B.14 Prior Permits Superseded [326 IAC 2-1.1-9.5]

(a) All terms and conditions of previous permits issued pursuant to permitting programs approved into the state implementation plan have been either

(1) incorporated as originally stated,

(2) revised, or

(3) deleted

by this permit.

(b) All previous registrations and permits are superseded by this permit.

Comment 4:

Condition B.14(c). IDEM should delete the clause “including any term or condition from a previous issued construction or operation permit,” because those terms are superseded by this permit. Throughout the Title V process, IDEM has been encouraging “permit cleansing” to grant relief from outdated conditions in older permits and registrations. If IDEM wants to continue any such conditions, they must be specifically listed as applicable requirements. The phrase “including any term or condition from a previously issued construction or operation permit” is counter to this policy, unauthorized by 326 IAC § 2-7-15, and must be deleted. Condition B.14(c) should be modified as follows:

B.14 Permit Shield [326 IAC 2-7-15]

- (c) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, *including any term or condition from a previously issued construction or operation permit*, IDEM, OAM shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.

Response 4:

Refer to Response 3 with regard to Condition B.14 Prior Permits Superseded to implement the intent of the new rule 326 IAC 2-1.1-9.5.

The OAQ also believes that the Permit Shield Condition B.14 (b) (1), (now B.13) and (2) establishes that the Title V permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits. Compliance with the conditions of the permit shall be deemed in compliance with any applicable requirements as of the date of the permit issuance for all the previous permits identified by the source and the OAQ during the course of this review.

However, paragraph (b) of Condition B.14 (now B.13) Permit Shield has been deleted because this paragraph is no longer necessary due to the addition of the new Condition B.14 Prior Permits Superseded and Condition B.14 (now B.13) (Permit Shield) has been reworded to clarify the intent as follows:

B.13 Permit Shield [326 IAC 2-7-15] [326 IAC 2-7-20] [326 IAC 2-7-12]

- ~~(a) This condition provides a permit shield as addressed in 326 IAC 2-7-15.~~
- ~~(b) This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits. All previously issued operating permits are superseded by this permit. Compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided that:~~
- ~~(1) The applicable requirements are included and specifically identified in this permit;~~
~~or~~
- ~~(2) The permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable.~~

- (c) ~~If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, including any term or condition from a previously issued construction or operation permit, IDEM, OAM, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.~~
- (d) ~~No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.~~
- (e) ~~Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:~~
 - (1) ~~The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;~~
 - (2) ~~The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;~~
 - (3) ~~The applicable requirements of the acid rain program, consistent with Section 408 (a) of the Clean Air Act; and~~
 - (4) ~~The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.~~
- (f) ~~This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).~~
- (g) ~~This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAM, has issued the modifications. [326 IAC 2-7-12(c)(7)]~~
- (h) ~~This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAM, has issued the modification. [326 IAC 2-7-12(b)(7)]~~
- (a) **Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.**

This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to

reflect such new requirements.

- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.**
- (c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.**
- (d) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:**
 - (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;**
 - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;**
 - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and**
 - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.**
- (e) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).**
- (f) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAQ, has issued the modifications. [326 IAC 2-7-12(c)(7)]**
- (g) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ, has issued the modification. [326 IAC 2-7-12(b)(7)]**

Comment 5:

Condition B.16. IDEM should modify Condition B. 16 to remove the requirement to report deviations within ten days of the deviation and to establish an annual certification requirement. No regulatory authority authorizes IDEM to require deviations to be reported in 10 days. Additionally, nothing in the permit specifies that a semi-annual certification should be submitted. Condition B.16(a) should be modified as follows:

B.16 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

- (a) *The Permittee shall submit in its annual certification a list which identifies all deviations from permit conditions, except for those deviations identified in other reports.***

Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

*Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015*

within ten (10) calendar days from the date of the discovery of the deviation.

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:
- (1) An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit; or
 - (2) An emergency as defined in 326 IAC 2-7-1(12); or
 - (3) Failure to implement elements of the Preventive Maintenance Plan unless lack of maintenance has caused or contributed to a deviation.
 - (4) Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter.
- A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.
- (c) *Written notification shall be submitted on the attached Emergency/Deviation Occurrence Reporting Form or its substantial equivalent. The notification does not need to be certified by the "responsible official" as defined in 326 IAC 2-7-1(34).*
- (d) *Proper notice submittal under 326 IAC 2-7-16 satisfies the requirement on this subsection.*

Response 5:

Although there are no compliance monitoring requirements in Section D.1, IDEM, OAQ, has that it is still necessary to report any deviations from general requirements in Sections B and C, such as, open burning or illegal removal of asbestos. In addition, the wording in Condition B.16 (now B.15) has been clarified as follows:

B.15 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

~~within ten (10) calendar days from the date of the discovery of the deviation.~~

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.

The Quarterly Deviation and Compliance Monitoring Report does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit. ~~or a rule. It does not include:~~

- ~~(1) An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit; or~~
- ~~(2) An emergency as defined in 326 IAC 2-7-1(12); or~~
- ~~(3) Failure to implement elements of the Preventive Maintenance Plan unless such failure has caused or contributed to a deviation.~~
- ~~(4) Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter.~~

~~A Permittee’s failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.~~

- (c) **Emergencies shall be included in the Quarterly Deviation and Compliance Monitoring Report.** ~~Written notification shall be submitted on the attached Emergency/Deviation Occurrence Reporting Form or its substantial equivalent. The notification does not need to be certified by the “responsible official” as defined by 326 IAC 2-7-1(34).~~

- ~~(d) Proper notice submittal under 326 IAC 2-7-16 satisfies the requirement of this subsection.~~

Comment 6:

Condition C.1. IDEM should delete Condition C.1. Seagram has no process with a process weight rate less than one hundred pounds per hour. Additionally, by its plain terms, the process weight rule does not apply to processes with production rates below 100 pounds per hour. Therefore, Condition C.1 should be deleted as follows:

C.1 *Particulate Matter Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) pounds per hour [326 IAC 6-3-2(c)]*

Pursuant to 326 IAC 6-3-2(c), the allowable particulate matter emissions rate from any process not already regulated by 326 IAC 6-1 or any New Source Performance Standard, and which has a maximum process weight rate less than 100 pounds per hour shall not exceed 0.551 pounds per hour.

Response 6:

326 IAC 6-3-2 is applicable to operations at any process weight rate, unless a process is otherwise regulated by 326 IAC 6-1. There is nothing in this rule which states otherwise. If the source does not emit PM, then the rule is not applicable. Therefore, no change to this condition is necessary.

Comment 7:

Condition C.16(a), (b), and (c). IDEM should delete various portions of this condition because it is vague, it is redundant with other requirements, and it mixes requirements for monitoring with other types of information. Regarding Condition (a), maintenance and record keeping will not be done when the unit is at normal representative conditions. Regarding Condition (b), it does not make sense to necessarily record when equipment is down because Seagram will record the specific observations as necessary. Regarding Condition (c), no specificity is stated as to what additional observations should be taken or how long they should be taken. In general, these provisions either are too vague for comprehension or do not apply to Seagram. Seagram believes that, at a minimum, this condition should be modified as follows:

C.16 *Monitoring Data Availability* Failure to Conduct Required Monitoring, Maintenance, and/or Record keeping [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)]

- (a) *With the exception of performance tests conducted in accordance with Section C - Performance Testing, all observations, sampling, maintenance procedures, and record keeping, required as a condition of this permit shall be performed at all times the equipment is operating at normal representative conditions.*
- (b) *As an alternative to the observations, sampling, maintenance procedures, and record keeping of subsection (a) above, when the equipment listed in Section D of this permit is not operating, the Permittee shall either record the fact that the equipment is shut down or perform the observations, sampling, maintenance procedures, and record keeping that would otherwise be required by this permit.*
- (c) *If the equipment is operating but abnormal conditions prevail, additional observations and sampling should be taken with a record made of the nature of the abnormality.*
- (a)(d) If for reasons beyond its control, the operator fails to conduct make required monitoring, observations, sampling, maintenance procedures, or record keeping, reasons for this must be recorded.
- (b)(e) At its discretion, IDEM may excuse such failure providing adequate justification is documented and such failures do not exceed five percent (5%) of the operating time in any quarter.
- (c)(f) Temporary, unscheduled unavailability of qualified staff qualified to perform the required observations, sampling, maintenance procedures, or record keeping shall be considered a valid reason for failure to perform required monitoring, maintenance, and/or record keeping the requirements stated in (a) above.

Response 7:

IDEM, OAQ agrees. This proposed permit contains no monitoring requirements; therefore, Condition C.16 has been deleted as follows: The Table of Contents and subsequent permit conditions have been renumbered accordingly.

C.16 *Monitoring Data Availability* [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)]

- (a) ~~With the exception of performance tests conducted in accordance with Section C - Performance Testing, all observations, sampling, maintenance procedures, and record keeping, required as a condition of this permit shall be performed at all times the equipment is operating at normal representative conditions.~~

- (b) ~~As an alternative to the observations, sampling, maintenance procedures, and record keeping of subsection (a) above, when the equipment listed in Section D of this permit is not operating, the Permittee shall either record the fact that the equipment is shut down or perform the observations, sampling, maintenance procedures, and record keeping that would otherwise be required by this permit.~~
- (c) ~~If the equipment is operating but abnormal conditions prevail, additional observations and sampling should be taken with a record made of the nature of the abnormality.~~
- (d) ~~If for reasons beyond its control, the operator fails to make required observations, sampling, maintenance procedures, or record keeping, reasons for this must be recorded.~~
- (e) ~~At its discretion, IDEM, may excuse such failure providing adequate justification is documented and such failures do not exceed five percent (5%) of the operating time in any quarter.~~
- (f) ~~Temporary, unscheduled unavailability of staff qualified to perform the required observations, sampling, maintenance procedures, or record keeping shall be considered a valid reason for failure to perform the requirements stated in (a) above.~~

Comment 8:

Condition C.18. IDEM should delete this condition and the corresponding report form related to compliance monitoring reports because no compliance monitoring conditions apply to this facility. Accordingly, Condition C.18 should be deleted as follows:

C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)]

- (a) *To affirm that the source has met all the compliance monitoring requirements stated in this permit the source shall submit a Semi-annual Compliance Monitoring Report. Any deviation from the requirements and the date(s) of each deviation must be reported. The Compliance Monitoring Report shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).*
- (b) *The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:*

*Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015*
- (c) *Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due.*
- (d) *Unless otherwise specified in this permit, any semi-annual report shall be submitted within thirty (30) days of the end of the reporting period. The report does not require the certification by the "responsible official" as defined in 326 IAC 2-7-1(34).*
- (e) *All instances of deviations as described in Section B - Deviations from Permit Requirements Conditions must be clearly identified in such reports. The Emergency/Deviation Occurrence*

Report does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (f) *Any corrective actions or response steps taken as a result of each deviation must be clearly identified in such reports.*
- (g) *The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period.*

Response 8:

As stated in Response 5, although compliance monitoring is not specifically required in Section D.1, reporting of Quarterly Deviations will be required using the Quarterly Deviation and Compliance Monitoring Report form added to the proposed permit and wording of Condition C.18 (now C.17) has been revised as follows::

C.17 General Reporting Requirements [326 IAC 2-7-5(3)(C)][326 IAC 2-1.1-11]

- (a) ~~To affirm that the source has met all the compliance monitoring requirements stated in this permit the source shall submit a Semi-annual Compliance Monitoring Report. Any deviation from the requirements and the date(s) of each deviation must be reported. The Compliance Monitoring Report shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~
- (b) ~~The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:~~

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015
- (c) ~~Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due.~~
- (d) ~~Unless otherwise specified in this permit, any semi-annual report shall be submitted within thirty (30) days of the end of the reporting period. The report does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~
- (e) ~~All instances of deviations as described in Section B-Deviations from Permit Requirements Conditions must be clearly identified in such reports. The Emergency/Deviation Occurrence Report does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~
- (f) ~~Any corrective actions or response steps taken as a result of each deviation must be clearly identified in such reports.~~
- (g) ~~The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period.~~

- (a) **The source shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).**
- (b) **The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:**

**Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015**
- (c) **Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.**
- (d) **Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).**
- (e) **The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period. Reporting periods are based on calendar years.**

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION**

**PART 70 OPERATING PERMIT
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Joseph E. Seagram & Sons, Inc.
Source Address: Highway 350 West, Milan, Indiana 47031
Mailing Address: 7 Ridge Ave, Lawrenceburg, Indiana 47025
Part 70 Permit No.: T 137-6928-00011

Months: _____ to _____ Year: _____

Page 1 of 2

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

9 NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.

9 THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD

Permit Requirement (specify permit condition #)

Date of Deviation:

Duration of Deviation:

Number of Deviations:

Probable Cause of Deviation:

Response Steps Taken:

Permit Requirement (specify permit condition #)

Date of Deviation:

Duration of Deviation:

Number of Deviations:

Probable Cause of Deviation:

Response Steps Taken:

| | |
|--|-------------------------------|
| Permit Requirement (specify permit condition #) | |
| Date of Deviation: | Duration of Deviation: |
| Number of Deviations: | |
| Probable Cause of Deviation: | |
| Response Steps Taken: | |

| | |
|--|-------------------------------|
| Permit Requirement (specify permit condition #) | |
| Date of Deviation: | Duration of Deviation: |
| Number of Deviations: | |
| Probable Cause of Deviation: | |
| Response Steps Taken: | |

| | |
|--|-------------------------------|
| Permit Requirement (specify permit condition #) | |
| Date of Deviation: | Duration of Deviation: |
| Number of Deviations: | |
| Probable Cause of Deviation: | |
| Response Steps Taken: | |

9 **No deviation occurred in this month.**

9 **Deviation/s occurred in this month.**

Deviation has been reported on:

Submitted by: _____

Title/Position: _____

Signature: _____

Date: _____

Phone:

Attach a signed certification to complete this report.

Comment 9:

Condition D.1.1. IDEM should delete this condition because Seagram's emissions are fugitive and therefore it is not a major PSD source and this permit condition is inappropriate. Designation of this facility as a major PSD source exposes Seagram to potential liability for normal fluctuations of barrel storage inventory and therefore is unacceptable. Accordingly, Condition D.1.1 should be deleted as follows:

D.1.1 PSD [326 IAC 2-2] [40 CFR 52.21]

All major modifications to this existing major PSD source shall be subject to the PSD Significant Levels and obtain prior approval from IDEM OAM.

Response 9:

See response to Comment 1

Comment 10:

Condition D.1.3. IDEM should delete this condition because Seagram should not be required to maintain any records because there are no applicable requirements for which it must demonstrate compliance. If record keeping requirements are necessary, IDEM should modify this condition to require annual, not monthly, records of barrel storage and should delete the requirement to record the "material(s) being stored in each barrel." These requirements are unnecessary and serve no purpose since annual emissions are calculated based on the number of barrels stored multiplied by the applicable AP-42 emission factor. Condition D.1.3 should be deleted as follows:

D.1.3 Record Keeping Requirements

(a) *The Permittee shall maintain records in accordance with (1) and (2) below. Records maintained for (1) and (2) shall be taken monthly and shall be complete and sufficient to comply with all emission reporting requirements:*

(1) *The number of barrels in storage and*

(2) *The material(s) being stored in each barrel.*

(b) *All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.*

Response 10

It is necessary to record the number of barrels in storage and the material stored in each barrel in order to determine the VOC emissions required by the annual emission statement. IDEM has determined that record keeping on an annual basis would not provide sufficient information required to accurately determine the source's VOC emissions. For example, if a particular barrel was only in storage for the first three (3) months of a calendar year or during the last month, the emissions from these barrels might not be reflected if record keeping was only required on an annual basis. The rule cite [326 IAC 2-6] has been added to the Condition D.1.3 (now D.1.2) title. The following change has been made:

D.1.2 Record Keeping Requirements [326 IAC 2-6]

(a) *The Permittee shall maintain records in accordance with (1) and (2) below. Records maintained for (1) and (2) shall be taken monthly and shall be complete and sufficient to comply with all emission reporting requirements:*

- (1) The number of barrels in storage and
- (2) The material(s) being stored in each barrel.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

Comment 11:

IDEM should modify the Technical Support Document ("TSD") to reflect the changes set out above and the changes proposed in the accompanying letter.

Response 11:

The Technical Support Document is an historical document and is not updated. The OAQ prefers that the Technical Support Document reflect the permit that was on public notice. Changes to the permit, or the technical support material that occur after the public notice period ends, are noted in this Addendum to the Technical Support Document. This accomplishes the desired result of ensuring that any changes made after the public notice period ends are documented and part of the historical record regarding this permit decision.

Upon further review, the OAQ has decided to make the following changes to the Part 70 Operating Permit: The permit language is changed to read as follows (deleted language appears as ~~strikeouts~~, new language is **bolded**):

Change 1

The expiration has been added to the signature box. The expiration is exactly five (5) years after the issuance date. For example, if the permit was issued December 13, 2002, the expiration date would be December 13, 2007.

| | |
|--|---|
| Operation Permit No.: T 137-6928-00011 | |
| Issued by: Janet G. McCabe, Assistant Commissioner Office of Air Quality | Issuance Date: Expiration Date: |

Change 2

The general source phone number has been added to Condition A.1 as follows:

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)][326 IAC 2-7-1(22)]
The Permittee owns and operates a storage warehouse for whiskey aging.

| | |
|-------------------------------------|--|
| Responsible Official: | Dan Gibb |
| Source Address: | Highway 350 West, Milan, Indiana 47031 |
| Mailing Address: | 7 Ridge Ave, Lawrenceburg, IN 47025 |
| General Source Phone Number: | 812-537-0700 |
| SIC Code: | 2085 |

Change 3

Condition A.4 has been revised as follows:

A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary or source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22).
- (b) **It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).**

Change 4

Condition B.1 (Permit No Defense) has been deleted. Most of this language has been added to B.13 (Permit Shield). Condition B.13 provides for when the possession of a permit does provide a defense and provides that it is only for those requirements in existence at the time of permit issuance. All other B conditions have been re-numbered as a result of this change.

~~B.1 Permit No Defense [IC 13]~~

- ~~(a) Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7.~~
- ~~(b) This prohibition shall not apply to alleged violations of applicable requirements for which the Commissioner has granted a permit shield in accordance with 326 IAC 2-7-15, as set out in this permit in the Section B condition entitled "Permit Shield."~~

Change 5

Condition B.3 (now B.2) (Permit Term) language has been added to clarify that amendments, revisions or modifications do not extend the expiration date of the permit. The expiration date will always be five (5) years from the issuance date of the original permit. The expiration date will now be typed in the signature box as well. This condition has had the rule cite 326 IAC 2-1.1-9.5 added to include the new promulgated rule which clarifies when permits expire and when conditions in previous issued permits are superseded as follows:

B.2 Permit Term [326 IAC 2-7-5(2)] **[326 IAC 2-1.1-9.5]**

This permit is issued for a fixed term of five (5) years from the ~~effective~~ **original** date, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. **Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date.**

Change 6

Condition B.4 (now B.3) (Enforceability) (a) has been removed from the rule cite, because the condition refers to all of 326 IAC 2-7-7. Condition B.4(b) has been deleted and combined with Condition B.4(a) as follows:

B.3 Enforceability [326 IAC 2-7-7(a)]

- ~~(a) All terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM.~~
- (b) Unless otherwise stated, terms and conditions of this permit, including any provisions **designed** to limit the source's potential to emit, are enforceable by **IDEM**, the United States Environmental Protection Agency (U.S. EPA) and citizens under the Clean Air Act.

Change 7

Condition B.8 (now B.7) (Duty to Supplement and Provide Information) has been reworded to match the language in the rule as follows:

B.7 Duty to Supplement and Provide Information [326 IAC 2-7-4(b)][326 IAC 2-7-5(6)(E)][**326 IAC 2-7-6(6)**]

- (a) The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. **The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit or, for information claimed to be confidential, the Permittee may furnish such records directly to the U. S. EPA along with a claim of confidentiality. [326 IAC 2-7-5(6)(E)]**
- ~~(c) Upon request, the Permittee shall also furnish to IDEM, OAM, copies of records required to be kept by this permit. If the Permittee wishes to assert a claim of confidentiality over any of the furnished records, the Permittee must furnish such records to IDEM, OAM, along with a claim of confidentiality under 326 IAC 17. If requested by IDEM, OAM, or the U.S. EPA, to furnish copies of requested records directly to U. S. EPA, and if the Permittee is making a claim of confidentiality regarding the furnished records, then the Permittee must furnish such confidential records directly to the U.S. EPA along with a claim of confidentiality under 40 CFR 2, Subpart B.~~

The Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

Change 8

Condition B.9 (now B.8) (Compliance with Permit Conditions) (c) has been added to clarify that an emergency does constitute a defense in an enforcement action if the Permittee complies with the

emergency procedures. Also "condition" was changed to "Section" in subpart (c). Since Section B conditions are often re-numbered, the language was meant to be more general. However, "condition" implies a specific reference, whereas "section" is more general. Also, this change will allow permit reviewers to avoid further numbering checks in referencing conditions. Finally, Condition B.8 has been revised to clarify that noncompliance with any requirement of this permit may result in an enforcement action against the Permittee, an action to modify, revoke, reissue or terminate the source's permit, and/or a denial of the Permittee's application to renew the permit. In addition, except for those permit conditions that are not federally enforceable, noncompliance is also a violation of the federal Clean Air Act.

B.8 Compliance with Permit Conditions [326 IAC 2-7-5(6)(A)] [326 IAC 2-7-5(6)(B)]

- (a) The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit, ~~except those specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act and is grounds for:~~
- (1) Enforcement action;
 - (2) Permit termination, revocation and reissuance, or modification; or
 - (3) Denial of a permit renewal application.
- (b) **Noncompliance with any provisions of this permit, except any provision specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act.**
- (bc) It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (d) **An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.**

Change 9

Condition B.10 (now B.9)(Certification) (b) has been modified to clarify when a certification is needed as follows:

B.9 Certification [326 IAC 2-7-4(f)] [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)(C)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted ~~under this permit~~ shall contain certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, ~~on~~ **using** the attached Certification Form, with each submittal **requiring certification**.
- (c) A responsible official is defined at 326 IAC 2-7-1(34).

Change 10

Condition B.11 (now B.10) (Annual Compliance Certification) paragraph (a) has been revised to clarify that the initial certification is from the date of issuance until December 31. Paragraph (c) has

been revised so that it matches the language in the rule.

B.10 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. **The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent** The certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than July 1 of each year to:
- (c) The annual compliance certification report shall include the following:
- (4) The methods used for determining **the** compliance **status** of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and

Change 11

Condition B.12 (now B.11) (Preventive Maintenance Plan) has had the record keeping requirements added as follows:

B.11 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)] [326 IAC 1-6-3]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) within ninety (90) days after issuance of this permit, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
- (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
- (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond it's the **Permittee's** control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

The PMP and the PMP extension notification do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (d) **Records of preventive maintenance shall be retained for a period of at least five (5) years. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within**

a reasonable time.

Change 12

In Condition B.13 (now B.12) (Emergency Provisions) a reference to the Emergency Occurrence Report Form has been added to Condition B.13(b)(5) (now B.12(b)(5)). The emergency form is for emergencies only, and is no longer an emergency and deviation form. All deviations will now be reported on the Quarterly Deviation and Compliance Monitoring Report. In paragraph (d), part of the first sentence has been deleted. Since this is a Part 70 source, the malfunction rule has been superseded by the emergency rule. Paragraph (f) "compliance" has been changed to "accordance".

In addition, Emergency Provisions (a), (b) and (g) have been revised to reflect rule changes to 326 IAC 2-7-16. This section of the rule is now consistent with 40 CFR 70.6(g) and provides an affirmative defense to an action brought for non-compliance with technology-based emission limitations only. The condition is changed as follows:

B.12 Emergency Provisions [326 IAC 2-7-16]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, ~~except as provided in 326 IAC 2-7-16.~~
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a ~~health-based or~~ technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:
 - (5) For each emergency lasting one (1) hour or more, the Permittee submitted **the attached Emergency Occurrence Report Form or its equivalent notice**, either ~~in writing by mail or facsimile, of the emergency to:~~
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions) ~~for sources subject to this rule after the effective date of this rule.~~ This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (f) Failure to notify IDEM, OAQ, by telephone or facsimile of an emergency lasting more than one (1) hour in **compliance accordance** with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.
- (g) ~~Operations may continue during an emergency only if the following conditions are met:~~
 - (1) ~~If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.~~
 - (2) ~~If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:~~
 - (A) ~~The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and~~
 - (B) ~~Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital~~

~~investment, or loss of product or raw materials of substantial economic value.~~

~~Any operation shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.~~

Change 13:

Condition B.15 Multiple Exceedances has been deleted because 326 IAC 2-7-5(1)(E) has been repealed since it conflicted with 40 CFR 70.6(a)(6) as follows:

~~B.15 Multiple Exceedances [326 IAC 2-7-5(1)(E)]~~

~~Any exceedance of a permit limitation or condition contained in this permit, which occurs contemporaneously with an exceedance of an associated surrogate or operating parameter established to detect or assure compliance with that limit or condition, both arising out of the same act or occurrence, shall constitute a single potential violation of this permit.~~

Change 14

Condition B.17 (now B.16) (Permit Modification, Reopening, Revocation and Reissuance, or Termination) language has been added to clarify that a request to re-open or revoke the permit must be certified by the responsible official, since these are decisions/actions that will change the status of the source.

B.16 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-7-5(6)(C)] [326 IAC 2-7-8(a)] [326 IAC 2-7-9]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)] **The notification by the Permittee does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).**

Change 15

Condition B.18 (now B.17) (Permit Renewal) has had language added to clarify that an application to renew the permit must be certified by the responsible official as follows:

B.17 Permit Renewal [326 IAC 2-7-4]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). **The renewal application does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).**

Change 16

Condition B.19 (now B.18) (Permit Amendment or Modification) (a) has been revised because a source is not liable for both a TV permit violation and a rule violation. By changing this language, IDEM is merely referencing the requirements and not mandating compliance with it.

B.18 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

- (a) ~~The Permittee must comply with~~ **Permit amendments and modifications are governed by** the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.

- (b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

Any such application ~~should~~**shall** be certified by the "responsible official" as defined by 326 IAC 2-7-1(34) only if a certification is required by the terms of the applicable rule.

Change 17

In Condition B.21 (now B.20) (Operational Flexibility), the rule cite in (a)(2) was changed to reference 326 IAC 2-7-10.5 as follows:

B.20 Operational Flexibility [326 IAC 2-7-20]

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b), (c), or (e), without a prior permit revision, if each of the following conditions is met:

- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
- (2) Any **preconstruction approval** required by 326 IAC ~~2-4-4~~ **2-7-10.5** has been obtained;
- (3) The changes do not result in emissions which exceed the emissions allowable under this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
- (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to 326 IAC 2-7-20 (b), (c), or (e) and makes such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ, in the notices specified in 326 IAC 2-7-20(b), (c)(1), and (e)(2).

- (b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a) and the following additional conditions:

- (1) The permit shield, described in 326 IAC 2-7-15, shall not apply to any change made under 326 IAC 2-7-20(b).

- (2) For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:

(i)(A) A brief description of the change within the source;

(ii)(B) The date on which the change will occur;

(iii)(C) Any change in emissions; and

(iv)(D) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) Emission Trades [326 IAC 2-7-20(c)]
The Permittee may trade increases and decreases in emissions in the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).

- (d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, or U.S. EPA is required.

- ~~(e) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.~~

Change 18

Condition B.22 (now B.21) (Construction Permit Requirement) has been revised to address the correct rules for construction at a Part 70 source. It was also revised because IDEM does not want a source to be liable for both a TV permit violation and a rule violation.

B.21 Construction Permit Source Modification Requirement [326 IAC 2-7-10.5]

A modification, construction, or reconstruction ~~shall be approved if required by and in accordance with~~ **is governed by 326 IAC 2 and the applicable provisions of 326 IAC 2-7-10.5.**

Change 19

Condition B.25 (now B.24) has been changed as follows:

B.24 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)]

- (a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. **Pursuant to 326 IAC 2-7-19(b),** ~~if~~ if the Permittee does not receive a bill from IDEM, OAQ, the applicable fee is due April 1 of each year.

Change 20

Condition C.2 (Opacity) has been revised to correctly reflect the rule language. as follows:

C.2 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions **Alternative Opacity Limitations**), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

Change 21

Condition C.4 (Incineration) has been revised to be consistent with wording in other conditions as follows:

C.4 Incineration [326 IAC 4-2] [326 IAC 9-1-2]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and 326 IAC 9-1-2. ~~The provisions of 326 IAC 9-1-2 are~~ is not federally enforceable.

Change 22

In Condition C.7 (Asbestos Abatement Projects), the rule cite in the title was changed to make it more generalized and Condition C.7 (Asbestos Abatement Projects) has been revised to clarify whether or not the requirement for an inspector be accredited is federally enforceable. Part 70 requires any application form, report, or compliance certification to be certified by the Responsible Official. IDEM, OAQ has revised Condition C.7(d) of Asbestos Abatement Projects to clarify that the asbestos notification does not require a certification by the responsible official, but it does need to be certified by the owner or operator.

C.7 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] ~~[40 CFR 61.140]~~ [40CFR 61, Subpart M]

- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (f) Indiana Accredited Asbestos Inspector
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited, **pursuant to the provisions of 40 CFR 61, Subpart M** is federally enforceable.

Change 23

Condition C.8 (Performance Testing) has been rearranged for clarity. Language has also been added to indicate that the test protocol and the notification of the test date do not require certification by the responsible official as follows:

C.8 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

no later than thirty-five (35) days prior to the intended test date. ~~The Permittee shall submit a notice of the actual test date to the above address so that it is received at least two weeks prior to the test date.~~ **The protocol submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).**

- (b) **The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).**

- ~~(b)(c)~~ **Pursuant to 326 IAC 3-6-4(b), all** test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the source submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

~~The documentation submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

Change 24

A new Condition C.9 (Compliance Requirements) has been added and refers to IDEM's general compliance authority in 326 IAC 2-1.1-11 as follows:

C.9 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U.S. EPA.

Change 25

Condition C.9 (Compliance Schedule) was deleted from the proposed permit because it is an application requirement, not a permit requirement.

~~C.9 Compliance Schedule [326 IAC 2-7-6(3)]~~

~~The Permittee:~~

- ~~(a) Has certified that all facilities at this source are in compliance with all applicable requirements; and~~
- ~~(b) Has submitted a statement that the Permittee will continue to comply with such requirements; and~~
- ~~(c) Will comply with such applicable requirements that become effective during the term of this permit.~~

Change 26

In Condition C.10 (Compliance Monitoring), language has been added to clarify that the permit will specify when compliance monitoring doesn't have to start in 90 days.

C.10 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

~~Compliance with applicable requirements shall be documented as required by this permit. All monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. The Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:~~

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a source modification shall be implemented when operation begins.

Change 27

Condition C.11 (Monitoring Methods) has had the following rule cites added as follows:

C.11 Monitoring Methods [326 IAC 3] **[40 CFR 60] [40 CFR 63]**

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, **40 CFR 60 Appendix B, 40 CFR 63**, or other approved methods as specified in this permit.

Change 28

Condition C.12 (Emergency Reduction Plans) has been revised to indicate that the ERP does require certification by the responsible official as follows:

C.12 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]

Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

(b) These ERPs shall be submitted for approval to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

within ninety (90) days after the date of issuance of this permit.

The ERP does ~~not~~ require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Change 29

Condition C.13 (Risk Management Plan) (b) was removed because it is repetitive of (a)(2) (now (b)). Both conditions required the same thing, and the source does not need to separately certify the RMP compliance. Also Condition C.13 (a) has been revised to reflect the fact that if a source is subject to 40 CFR 68, they should have already submitted a Risk Management Plan.

C.13 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68.215]

If a regulated substance, subject to 40 CFR 68, is present at a source in more than a threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall **submit**:

~~(a) — Submit:~~

- ~~(1)(a)~~ A compliance schedule for meeting the requirements of 40 CFR 68 ~~by the date provided in 40 CFR 68.10(a); or~~
- (2)(b) As a part of the **annual** compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and
- ~~(b) Provide annual certification to IDEM, OAQ, that the Risk Management Plan is being properly implemented.~~

All documents submitted pursuant to this condition shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Change 30

Condition C.14 (Actions Related to Noncompliance Demonstrated by a Stack Test) has been revised and certification by the responsible official is required for the notification sent in response to non-compliance with a stack test as follows:

C.14 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5] [326 IAC 2-7-6]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate **corrective response** actions. The Permittee shall submit a description of these **corrective response** actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize **excess** emissions from the affected facility while the **corrective response** actions are being implemented. ~~IDEM, OAQ shall notify the Permittee within thirty (30) days, if the corrective actions taken are deficient. The Permittee shall submit a description of additional corrective actions taken to IDEM, OAQ within thirty (30) days of receipt of the notice of deficiency. IDEM, OAQ reserves the authority to use enforcement activities to resolve noncompliant stack tests.~~
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline. ~~Failure of the second test to demonstrate compliance with the appropriate permit conditions may be grounds for immediate revocation of the permit to operate the affected facility.~~
- (c) **IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.**

The documents submitted pursuant to this condition do ~~not~~ require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Change 31

Condition C.15 (Emission Statement) has had language added to clarify that emission statements should be certified by the responsible official and that regulated pollutants are defined in 326 IAC 2-7-1.

C.15 Emission Statement [326 IAC 2-7-5(3)(C)(iii)] [326 IAC 2-7-5(7)] [326 IAC 2-7-19(c)] [326 IAC 2-6]

- (a) The Permittee shall submit an annual emission statement certified pursuant to the requirements of 326 IAC 2-6, that must be received by July 1 of each year and must comply with the minimum requirements specified in 326 IAC 2-6-4. The annual emission statement shall meet the following requirements:

- (1) Indicate **estimated** actual emissions of criteria pollutants from the source, in compliance with 326 IAC 2-6 (Emission Reporting);
- (2) Indicate **estimated** actual emissions of other regulated pollutants (**as defined by 326 IAC 2-7-1**) from the source, for purposes of Part 70 fee assessment.

- (b) The annual emission statement covers the twelve (12) consecutive month time period starting January 1 and ending December 31. The annual emission statement must be submitted to:

Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

The emission statement does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

- (c) The annual emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

Change 32

Condition C.17 (now C.16) (General Record Keeping Requirements) has been revised to be more consistent with the rules and to assure sources that they get a “reasonable time” to produce records no matter how or when we ask for them. Condition C.16 (c)(4) has been deleted because most of it is enforcement related and is not necessary to be in the permit. Everything else in (c)(4) that is not enforcement related is covered in other conditions. Condition C.16 (General Record Keeping Requirements) the word “monitoring” was removed so that the condition will seem more generalized to all record keeping, the word “reports” was added to clarify that the source must keep copies of those as well. Paragraphs (b) and (c) have been removed because they were unnecessary.

C.16 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]

- (a) Records of all required ~~monitoring~~ data, **reports** and support information shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be kept at the source location for a minimum of three (3) years ~~and available upon the request of an IDEM, OAQ, representative.~~ The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a ~~written~~ request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

- ~~(b) Records of required monitoring information shall include, where applicable:~~

- ~~(1) The date, place, and time of sampling or measurements;~~

- ~~(2) — The dates analyses were performed;~~
- ~~(3) — The company or entity performing the analyses;~~
- ~~(4) — The analytic techniques or methods used;~~
- ~~(5) — The results of such analyses; and~~
- ~~(6) — The operating conditions existing at the time of sampling or measurement.~~
- (c) — Support information shall include, where applicable:
 - ~~(1) — Copies of all reports required by this permit;~~
 - ~~(2) — All original strip chart recordings for continuous monitoring instrumentation;~~
 - ~~(3) — All calibration and maintenance records;~~
 - ~~(4) — Records of preventive maintenance shall be sufficient to demonstrate that failure to implement the Preventive Maintenance Plan did not cause or contribute to a violation of any limitation on emissions or potential to emit. To be relied upon subsequent to any such violation, these records may include, but are not limited to: work orders, parts inventories, and operator's standard operating procedures. Records of response steps taken shall indicate whether the response steps were performed in accordance with the Compliance Response Plan required by Section C - Compliance Monitoring Plan - Failure to take Response Steps, of this permit, and whether a deviation from a permit condition was reported. All records shall briefly describe what maintenance and response steps were taken and indicate who performed the tasks.~~
- (b)(d) Unless otherwise specified in this permit, All record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.**

Change 33

Since a new Condition C.9 (Compliance Requirements) has been added to cover the circumstances when testing is not required, Condition D.1.2 has been deleted as follows.

~~D.1.2 — Testing Requirements [326 IAC 2-7-6(1),(6)][326 IAC 2-1.1-11]~~

~~The Permittee is not required to test these facilities by this permit. However, IDEM may require compliance testing when necessary to determine if these facilities are in compliance. If testing is required by IDEM, compliance shall be determined by a performance test conducted in accordance with Section C - Performance Testing.~~

Change 34

Office of Air Management as been replaced with Office of Air Quality throughout the permit. OAM has been replaced with OAQ throughout the permit.

Change 35

Compliance Data Section has been changed to Compliance Branch where appropriate throughout the permit.

Indiana Department of Environmental Management Office of Air Management

Technical Support Document (TSD) for a Part 70 Operating Permit

Source Background and Description

Source Name: Joseph E. Seagram & Sons, Inc.
Source Location: Highway 350 West, Milan, Indiana 47031
County: Ripley
SIC Code: 2085
Operation Permit No.: T 137-6928-00011
Permit Reviewer: Paula M. Miano

The Office of Air Management (OAM) has reviewed a Part 70 permit application from Joseph E. Seagram & Sons, Inc. relating to the operation of a storage warehouse for whiskey aging.

Permitted Emission Units and Pollution Control Equipment

The source consists of the following permitted emission units and pollution control devices:

Ten (10) single story storage buildings, installed in the 1960's, each building exhausted through 288 vents, capacity: 498,784 barrels of whiskey, total.

Unpermitted Emission Units and Pollution Control Equipment

There are no unpermitted facilities operating at this source during this review process.

New Emission Units and Pollution Control Equipment Receiving Prior Approval

There are no new facilities receiving prior approval.

Insignificant Activities

The source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Emergency generators as follows: Two (2) diesel generators rated at 115-horsepower each.
- (b) Other emergency equipment as follows: Stationary fire pumps.

Existing Approvals

The source has been operating under previous approvals including, but not limited to, the following:

- (a) OP 69-01-86-0083, issued on March 11, 1982; and
- (b) OP 69-01-90-0094, issued on February 20, 1986.

All conditions from previous approvals were incorporated into this Part 70 permit.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the Part 70 permit be approved. This recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant.

An administratively complete Part 70 permit application for the purposes of this review was received on October 15, 1996.

A notice of completeness letter was mailed to the source on October 29, 1996.

Emission Calculations

See Appendix A, page 1 of 1 of this document for detailed emissions calculations.

Potential To Emit

Pursuant to 326 IAC 2-1.1-1(16), Potential to Emit is defined as "the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation is enforceable by the U. S. EPA."

| Pollutant | Potential To Emit (tons/year) |
|------------------|----------------------------------|
| PM | 0.00 |
| PM ₁₀ | 0.00 |
| SO ₂ | 0.00 |
| VOC | 1895 |
| CO | 0.00 |
| NO _x | 0.00 |
| HAPS | none |

Note: For the purpose of determining Title V applicability for particulates, PM₁₀, not PM, is the regulated pollutant in consideration.

- (a) The potential to emit (as defined in 326 IAC 2-1.1-1(16)) of VOC is equal to or greater than 100 tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.
- (b) Fugitive Emissions
Since this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2 and since there are no applicable New Source Performance Standards

that were in effect on August 7, 1980, the fugitive particulate matter (PM) and volatile organic compound (VOC) emissions are not counted toward determination of PSD and Emission Offset applicability.

Actual Emissions

The following table shows the actual emissions from the source. This information reflects the 1996 OAM emission data.

| Pollutant | Actual Emissions (tons/year) |
|------------------|---------------------------------|
| PM | 0.00 |
| PM ₁₀ | 0.00 |
| SO ₂ | 0.00 |
| VOC | 1433 |
| CO | 0.00 |
| NO _x | 0.00 |
| HAPS | none |

Limited Potential to Emit

The table below summarizes the total potential to emit, reflecting all limits, of the significant emission units and insignificant activities.

| | Limited Potential to Emit (tons/year) | | | | | | |
|----------------------------|--|------------------|-----------------|------|------|-----------------|------|
| Process/facility | PM | PM ₁₀ | SO ₂ | VOC | CO | NO _x | HAPs |
| ten(10) storage warehouses | 0.00 | 0.00 | 0.00 | 1895 | 0.00 | 0.00 | 0.00 |
| insignificant activities | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 3.00 | 0.00 |
| Total Emissions | 1.00 | 1.00 | 1.00 | 1896 | 1.00 | 1.00 | 0.00 |

County Attainment Status

The source is located in Ripley County.

| Pollutant | Status |
|------------------|------------|
| PM ₁₀ | attainment |
| SO ₂ | attainment |
| NO ₂ | attainment |
| Ozone | attainment |
| CO | attainment |
| Lead | attainment |

Volatile organic compounds (VOC) and oxides of nitrogen (NO_x) are precursors for the formation of ozone. Therefore, VOC and NO_x emissions are considered when evaluating the rule applicability relating to the ozone standards. Ripley County has been designated as attainment or unclassifiable for ozone.

Federal Rule Applicability

- (a) There are no New Source Performance Standards (NSPS)(326 IAC 12 and 40 CFR Part 60) applicable to this source.
- (b) There are no National Emission Standards for Hazardous Air Pollutants (NESHAPs)(326 IAC 14 and 40 CFR Part 63) applicable to this source.

State Rule Applicability - Entire Source

326 IAC 2-2 (Prevention of Significant Deterioration (PSD))

This existing major source is not subject to the requirements of 326 IAC 2-2 because it was constructed before August 7, 1977.

326 IAC 2-6 (Emission Reporting)

This source is subject to 326 IAC 2-6 (Emission Reporting), because it has the potential to emit more than one hundred (100) tons per year of VOC in Ripley County. Pursuant to this rule, the owner/operator of the source must annually submit an emission statement for the source. The annual statement must be received by July 1 of each year and contain the minimum requirement as specified in 326 IAC 2-6-4. The submittal should cover the period defined in 326 IAC 2-6-2(8)(Emission Statement Operating Year).

326 IAC 5-1 (Opacity Emissions Limitations)

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

State Rule Applicability - Individual Facilities

326 IAC 6-3-2 (Process Operations)

Allowable PM emissions from the insignificant activities are calculated by the following equation:

$$E = 4.10 P^{0.67} \quad \text{where } E = \text{rate of emission in pounds per hour and} \\ P = \text{process weight rate in tons per hour}$$

326 IAC 8-1-6 (New facilities; general reduction requirements)

Since the source was built prior to January 1, 1980, the requirements of 326 IAC 8-1-6 are not

applicable.

326 IAC 8-6-1 (Organic solvent emission limitations)

Since this source was built prior to October 7, 1974, the requirements of 326 IAC 8-6-1 are not applicable.

Compliance Requirements

Permits issued under 326 IAC 2-7 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs IDEM, OAM, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-7-5. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

There are no compliance monitoring requirements applicable to this source.

Air Toxic Emissions

Indiana presently requests applicants to provide information on emissions of the 188 hazardous air pollutants (HAPs) set out in the Clean Air Act Amendments of 1990. These pollutants are either carcinogenic or otherwise considered toxic and are commonly used by industries. They are listed as air toxics on the Office of Air Management (OAM) Part 70 Application Form GSD-08.

None of the listed air toxics will be emitted from this source.

Conclusion

The operation of this storage warehouse for whiskey aging shall be subject to the conditions of the attached proposed **Part 70 Permit No. T 137-6928-00011**.

**Appendix A: Emission Calculations
Warehouse Emissions**

Page 1 of 1 TSD App A

Company Name: Joseph E. Seagram & Sons, Inc.
Address City IN Zip: Highway 350 West, Milan, Indiana 47031
Part 70: 137-6928
Plt ID: 137-00011
Reviewer: Paula M. Miano
Date: October 15, 1996

| Pollutant | Emission Factor* (lbs/barrel/yr) | # of Barrels | Emissions (lbs/yr) | Emissions (tons/yr) |
|------------------|--|---------------------|------------------------------|-------------------------------|
| VOC | 7.6 | 498784 | 3790758 | 1895 |

* An emission factor of 7.6 pounds per barrel per year has been established by the source based on average weight loss of stored product.

Methodology

VOC emissions (lbs/yr) = emission factor * # of barrels
VOC emissions (tons/yr) = VOC emissions (lbs/yr) / 2000 lb